

DIVISION

PATENT

Attorney Docket No.1398-2

100-110-2 MII: 39

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerald A. Nave

Serial No: 10/813,460 Group Art Unit: 2831

Filed: March 30, 2004 Examiner: Not Assigned

For: TOOL FOR INSTALLING AN ELECTRICAL BOX

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Refund Section, Accounting Division, Office Of Finance

**REQUEST FOR REFUND**  
(Improper Charge of Deposit Account)

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 50-2140 shown on the statement dated July 2004 in reference to the above-identified application.

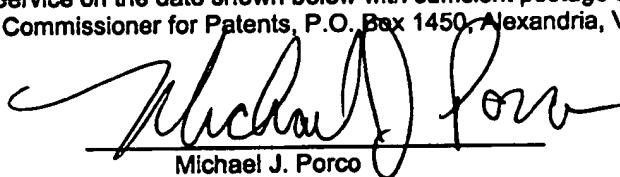
A copy of the monthly statement in which the error occurred accompanies this request. Also enclosed are copies of the Official Filing Receipt, Fee Transmittal Sheet, check in the amount of \$412.00 and postcard with USPTO stamp.

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**CERTIFICATION UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Dated: August 3, 2004

  
Michael J. Porco

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II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> filing fee	<u>\$385.00</u>
— surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e))	
and/or	
— surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e))	
— extension of term	
— first month	
— second month	
— third month	
— fourth month	
<input checked="" type="checkbox"/> excess claims	<u>\$27.00</u>
— issue fee	
— petition fee	
— patent maintenance fee	
— first maintenance fee	
— second maintenance fee	
— third maintenance fee	
— patent maintenance fee surcharge	
— other:	
TOTAL REFUND REQUESTED	<u>\$412.00</u>

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

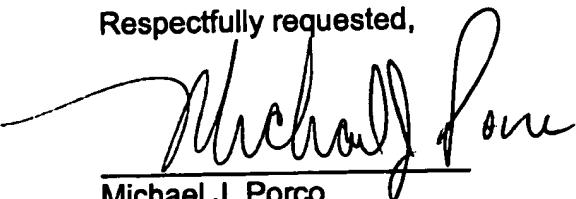
It is respectfully submitted that the application filing fee for the above-identified application was charged in error. As shown in the Fee Transmittal Sheet dated March 30, 2004, the correct Utility filing fee (i.e., \$385.00) and fee for extra claims (i.e., 27.00) for a small entity was entered on the sheet and amounted to \$412.00. A check for \$412.00 was submitted with the Application and Fee Transmittal Sheet and was received by the U.S. Patent and Trademark Office as evidenced by the enclosed copy of the USPTO-stamped postcard receipt. As evidenced by the Official Filing Receipt dated July 26, 2004, the applicant was granted small entity status and should have been charged the fee indicated on the Fee Transmittal Sheet (i.e., \$412.00). However, as also indicated by the Official Filing Receipt, the USPTO received a filing fee of \$824.00, exactly twice the amount indicated on the Fee Transmittal Sheet. Therefore, it is believed the USPTO mistakenly charged our deposit account and we hereby request a refund of \$412.00 to be credited to Our Deposit Account No. 50-2140.

### IV. MANNER OF REFUND

Please make refund by

crediting Deposit Account No. 50-2140  
 refunding payment.

Respectfully requested,

  
Michael J. Porco  
Reg. No. 46,007

*Carter, DeLuca, Farrell & Schmidt, LLP*  
445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526

MJP/gm



United States  
Patent and  
Trademark Office

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**Deposit Account Statement**

**Requested Statement Month:** July 2004  
**Deposit Account Number:** 502140  
**Name:** CARTER DELUCA FARRELL & SCHMIDT, LLP  
**Attention:** PETER DELUCA  
**Address:** 445 BROAD HOLLOW ROAD  
**City:** MELVILLE  
**State:** NY  
**Zip:** 11747

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/08 2	29168183	1502		\$10.00	\$4,511.00
07/08 3	PCT/US04/14117	9204		-\$12.00	\$4,523.00
07/13 22	PCT/US04/21638	1400-49 PCT 1704		\$1,620.00	\$2,903.00
07/14 48	E REPLENISHMENT	9203		-\$2,097.00	\$5,000.00
07/15 85	PCT/US04/21882	1304-5 PCT 8007		\$20.00	\$4,980.00
07/21 1	10425499	1400-4(1502) 1806		\$180.00	\$4,800.00
07/21 453	60480978	1315-13	8007	\$20.00	\$4,780.00
07/21 455	60483140	1315-14	8007	\$20.00	\$4,760.00
07/23 17	10895869	9204		-\$40.00	\$4,800.00
07/26 10	10812469	1806		\$358.00	\$4,442.00
07/26 27	10392143	1346-2	1806	\$180.00	\$4,208.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$4,521.00	\$2,462.00	\$2,149.00	\$4,208.00

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/813,460	03/30/2004	2831	824	1398-2	6	23	3

**CONFIRMATION NO. 4661**

**REPLACEMENT FILING RECEIPT**



"OC000000013336778"

Michael J. Porco  
 Carter, DeLuca, Farrell & Schmidt, LLP  
 445 Broad Hollow Road, Suite 225  
 Melville, NY 11747

Date Mailed: 07/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gerald A. Nave, Johnson City, TN;

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/499,636 09/03/2003

**Foreign Applications**

If Required, Foreign Filing License Granted: 06/14/2004

Projected Publication Date: 03/03/2005

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

Tool for installing an electrical box

Preliminary Class

174

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The licensee is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 412.00)

## Complete If Known

Application Number	
Filing Date	March 30, 2004
First Named Inventor	Gerald A. Nave
Examiner Name	
Art Unit	
Attorney Docket No.	1398-2

## METHOD OF PAYMENT (check all that apply)

 Check    Credit card    Money Order    Other    None
 Deposit Account:

Deposit Account Number	50-2140
Deposit Account Name	Carter, DeLuca, Farrell & Schmidt, LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below    Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 385.00)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	23 -20* = 3	X 9.00	27.00
Claims	3 -3** = 0	X 86.00	0.00
Multiple Dependent			290.00

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 88	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 27.00)

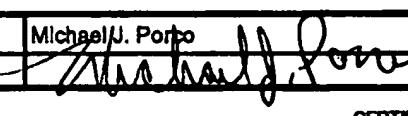
\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251 55	Extension for reply within first month	
1252 420	2252 210	2252 210	Extension for reply within second month	
1253 950	2253 475	2253 475	Extension for reply within third month	
1254 1,480	2254 740	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	2401 165	Notice of Appeal	
1402 330	2402 165	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	2502 240	Design issue fee	
1503 640	2503 320	2503 320	Plant issue fee	
1460 130	1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)				
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3)	(\$ 0.00)

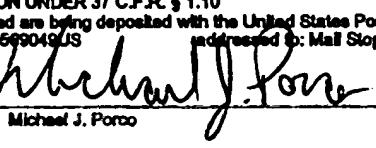
(Complete if applicable)

Name (Print/Type)	Michael J. Porco	Registration No. (Attorney/Agent)	46,007	Telephone	(631) 501-5718
Signature			Date	March 30, 2004	

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL982699049US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 30, 2004



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

Utility application for Gerald A. Nave entitled:  
**TOOL FOR INSTALLING AN ELECTRICAL BOX**

22390 U.S. PTO  
10/813460



033004

1. Utility Patent Application Transmittal
2. Application Fee Transmittal (PTO) (in triplicate)
3. Executed Combined Declaration and Power of Attorney
4. 10 pages of Specification
5. 5 pages of claims
6. 1 page of Abstract
7. 6 sheets of Formal Drawings
8. Check in the amount of \$412.00
9. Certificate of Mailing by Express Mail #EL983569049US

Serial No.: Not Assigned  
Filed: March 30, 2004  
Docket: 1398-2  
Dated: March 30, 2004

MJP/gm

CL 70 556 704 US

4074

**CARTER, DeLUCA, FARRELL & SCHMIDT LLP**  
ATTORNEYS AT LAW  
445 BROAD HOLLOW RD., SUITE 225  
MELVILLE, NY 11747

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30-701214

3/30/2004

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MEMO:

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